

Remarks

The final Office Action mailed July 25, 2006 noted that claim 15 was objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim. Applicants have requested such an amendment to claim 15 to reduce issues available for appeal.

Applicants respectfully request reconsideration of the grounds of rejection contained in the final Office Action. The primary reference cited in the Office Action is U.S. Patent 6,409,401 B1 to Petteruti et al. The Petteruti reference describes a portable label printer having a housing 12 with a printhead 18. A roll of media 14 has wound upon it integrated RFID media 16 capable of being advanced from the roll 14 by a rotatable platen roller 20 driven by a motor 21. A printer control circuit board 24 has electronics for controlling the printhead 18 and actuating motor 21 to drive media 16 across the printhead 18. The roll 14 may be stored in a cavity or chamber 19 in the housing 12 and threaded across the platen roller 20 to extend through an opening 13 in the housing 12. Column 2, lines 46-62. Media 16 has RFID circuits 16a coupled thereto at set intervals along the length of the media. Column 3, lines 4-6. The printer of Petteruti et al. includes an RFID encoder 22 having an RFID antenna 23 capable of encoding by RF signals on the RFID circuit (16a) positioned near the antenna. The RFID encoder 22 operates in accordance with a programmed microprocessor controller 34 on the printed circuit board 24 to write data onto the RFID circuit (16a). Column 3, lines 21-34. The controller 34 operates the motor 21 to rotate the platen roller 20 to drive the media 16 along a path (within the printer) across the printhead 18 for printing the media and to position each of the RFID circuits 16a coupled to the media for reading or encoding by the encoder 22 via the antenna 23. Column 5, lines 26-30. After printing on the media and encoding

the RFID circuits attached to the media, the printer dispenses the media out of the printer housing 12 through an opening 13. See column 2, lines 58-61. Dispensing the media with the encoded RFID circuits allows them subsequently to be attached to retail products, warehouse containers, baggage, etc. See column 3, lines 30-34 and 48-52.

The Office Action asserts that "Petteruti clearly discloses a container 12 in which an electronic tag 16a is securely affixed to the enclosure of the container with the container additionally including a tag identification response and a tag communication element." Applicants submit that this is not a correct reading of the Petteruti reference. The device described in the Petteruti reference is for the purpose of dispensing RFID circuits on the media 16 out of the housing 12 via the opening 13. See, for example, Figure 1 and column 2, lines 58-61. From the description at column 3, lines 21-52, the portable label printer of the Petteruti et al. reference is to print labels and program the RFID circuits on such labels to be dispensed from the printer 10 and subsequently applied to some other article, such as a retail product, a warehouse container, baggage, etc.

With particular reference to claim 1 of the present application, the portable printer of the Petteruti et al. reference is for printing a label with a RFID circuit on it or embedded in it for dispensation from the printer (through the opening 13, while attached to the media 16) for subsequent application to a product or container other than the printer itself. Because the RFID circuits are embedded in the media 16 wound on a roll 14 within a cavity or chamber 19 of the housing 12, the device of the Petteruti et al. reference cannot process a module enclosed within a container that includes an electronic tag. The container cannot be accommodated on the media roll within the portable printer of the Petteruti et al. reference.

With respect to independent claim 8, the method of applicants' invention includes enclosing a module within a container, securely affixing to the container an electronic tag, electronically reading tag identification information from the electronic tag, electronically verifying read tag information, and selectively storing in tag memory either first module information or second module information. The portable printer of the Petteruti et al. reference contains a removable roll of media containing labels and embedded RFID circuits, but for dispensation from the portable printer and subsequent application to other products. Thus, the device of the Petteruti et al. reference is inconsistent with a process of enclosing a module within a container, securely affixing to the container an electronic tag, and electronically processing the electronic tag with the module enclosed within the container.

With respect to independent claim 14, the Office Action identifies in the Petteruti et al. printer a container 12 for enclosing a module 24 comprising an enclosure and an electronic tag 16a securely affixed to the enclosure. However, the electronic tag 16a is not attached to the enclosure of the container 12. The purpose of the portable printer described is to use the programmed microprocessor controller 34 on the printed circuit board 24 to encode data onto the RFID circuit 16a, to be dispensed with the media 16 from the portable printer. Petteruti et al. do not suggest affixing a label with RFID circuit onto the enclosure 12 of the portable printer.

Claims 11, 13, 17, and 19 were rejected under 35 U.S.C. 103(a), citing U.S. Patent No. 6,409,401 B1 to Petteruti et al. in view of U.S. Patent No. 5,406,263 to Tuttle. The Tuttle reference describes a trip wire or magnetic circuit associated with a shipping container to monitor continuity. If continuity is disabled by a forced entry of the container, electrical detection means, such as an RFID tag, will alert the owner or monitoring station.

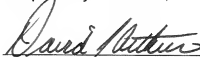
Applicants submit that it would not be obvious to a person of ordinary skill in the art to combine the teachings of the Tuttle reference with the teaching of the Petteruti et al. reference to obtain applicants' invention. The portable printer described in the Petteruti et al. reference prints labels and programs RFID chips dispensed from a roll 14 within the printer for subsequent application to another product. Once the RFID chips are affixed to a container such as that shown in the Tuttle reference, the RFID chip cannot be passed through a printer and programmer of the nature shown in the Petteruti et al. reference. Therefore, the combination suggested in the Office Action would not be obvious to those of ordinary skill in the art.

Applicants appreciate the Examiner's acknowledgment that claim 15 would be allowable if rewritten in independent form. Applicants have requested such an amendment to claim 15 to remove that claim from consideration for possible appeal, should an appeal be necessary.

Applicants submit that the rejections of the final Office Action are not supported by the cited references, and therefore respectfully request that the final Office Action be withdrawn, and that claims 1-19 be allowed.

If the Examiner considers personal contact helpful to dispose of this case, call David J. Arthur, at Telephone Number 585-423-9215, Rochester, New York.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "David J. Arthur", is written over a horizontal line.

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